

JUDICIAL COUNCIL
OF
THE UNITED STATES ELEVENTH JUDICIAL CIRCUIT

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14 June 2018

VIA EMAIL

Honorable Steven Merryday
Chief United States District Judge
U.S. District Court, Middle District of Florida
801 North Florida Avenue
Tampa, FL 33602

Dear Chief District Judge Merryday:

The revised Criminal Justice Act Plan for the Middle District of Florida, as submitted on 26 April 2018, has been approved by the Judicial Council's Executive Committee on behalf of the full Council.

Sincerely,

A handwritten signature in black ink, appearing to read "James P. Gerstenlauer", written in a cursive style.

Secretary to the Judicial Council

c: Members of the Judicial Council
Ms. Elizabeth Warren, Clerk of Court

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**



CRIMINAL JUSTICE ACT PLAN

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CHAPTER ONE

SECTION 1.01 AUTHORITY

This Criminal Justice Act Plan (the “Plan”) is adopted pursuant to the Criminal Justice Act (“CJA”) of 1964, as amended by Acts of Congress and codified in Chapter 201 of Title 18, United States Code, and Volume 7 of the Guide to Judiciary Policies and Procedures (the “Guide”). This Plan has been adopted by the United States District Court for the Middle District of Florida and will be implemented upon approval by the Judicial Council of the Eleventh Circuit.

SECTION 1.02 COURT DEFINED

Except as limited by specific statutory requirements, reference in this Plan to the "Court" shall mean that either a district judge or magistrate judge is authorized to perform the particular function.

SECTION 1.03 DETERMINATION OF ELIGIBILITY FOR CJA REPRESENTATION

(a) Eligibility

(1) Mandatory

Representation shall be provided for any financially eligible person who:

- (A) is charged with a felony or with a Class A misdemeanor;**
- (B) is a juvenile alleged to have committed an act of juvenile delinquency as defined in 18 U.S.C. § 5031;**

- (C) is charged with a violation of probation, or faces a change of a term or condition of probation (unless the modification sought is favorable to the probationer and the government has not objected to the proposed change);
- (D) is under arrest, when the representation is required by law;
- (E) is entitled to appointment of counsel in parole proceedings;
- (F) is charged with a violation of supervised release or faces modification, reduction, or enlargement of a condition, or extension or revocation of a term of supervised release;
- (G) is subject to a mental competency hearing under Title 18 U.S.C. Chapter 313;
- (H) is in custody as a material witness;
- (I) is seeking to set aside or vacate a death sentence under 28 U.S.C. §§ 2254 or 2255;
- (J) is entitled to appointment of counsel in verification of consent proceedings in connection with a transfer of an offender to or from the United States for the execution of a penal sentence under 18 U.S.C. § 4109;
- (K) is entitled to appointment of counsel under the Sixth Amendment to the Constitution; or

(L) faces loss of liberty in a case and federal law requires the appointment of counsel.

(2) Discretionary

Whenever the Court determines that the interests of justice so require, representation may be provided for any financially eligible person who:

(A) is charged with a petty offense (Class B or C misdemeanor, or an infraction) for which a sentence of confinement is authorized;

(B) is seeking relief under 28 U.S.C. §§ 2241, 2254, or 2255 other than to set aside or vacate a death sentence;

(C) is charged with civil or criminal contempt and faces loss of liberty;

(D) has been called as a witness before a grand jury, a court, the Congress, or a federal agency or commission which has the power to compel testimony, and there is reason to believe, either prior to or during testimony, that the witness could be subject to a criminal prosecution, a civil or criminal contempt proceeding, or face loss of liberty;

(E) has been advised by the United States Attorney or a law enforcement officer that they are the target of a grand jury investigation;

(F) is proposed by the United States Attorney for processing under a pretrial diversion program; or

(G) is held for international extradition under 18 U.S.C. chapter 209.

(3) Ancillary Matters

Representation may also be provided for financially eligible persons in ancillary matters appropriate to the criminal proceedings under 18 U.S.C. § 3006A(c). In determining whether representation in an ancillary matter is appropriate to the criminal proceedings, the Court should consider whether the representation is reasonably necessary:

- (A) to protect a constitutional right;
- (B) to contribute in some significant way to the defense of the principal criminal charge;
- (C) to aid in preparation for the trial or disposition of the principal criminal charge;
- (D) to enforce the terms of a plea agreement in the principal criminal charge;
- (E) to preserve the claim of the CJA client to an interest in real or personal property subject to civil forfeiture proceeding under 18 U.S.C. § 983, 19 U.S.C. § 1602, 21 U.S.C. § 881, or similar statutes, which property, if recovered by the client, may be considered for reimbursement under 18 U.S.C. § 3006A(f); or

- (F) to effectuate the return of real or personal property belonging to the CJA client, which may be subject to a motion for return of property under Fed. R. Crim. P. 41(g), which property, if recovered by the client, may be considered for reimbursement under 18 U.S.C. § 3006A(f).
- (b) Scope of Representation: Representation provided under this Plan shall include counsel and investigative, expert, and/or other services necessary for an adequate defense.

SECTION 1.04 SOURCES OF REPRESENTATION UNDER THE PLAN

- (a) Federal Defender: A Federal Defender organization has been established to provide representation in accordance with 18 U.S.C. § 3006A(g)(2)(A). Approximately 75% of the annual appointments, calculated on a fiscal year basis, shall be assigned to the Federal Defender.
- (b) CJA Panel Members: Approximately 25% of the annual appointments, calculated on a fiscal year basis, shall be assigned to CJA Panel members. In accordance with 18 U.S.C. § 3006A(b), each Division of this Court shall maintain a list of Panel members willing to accept appointments under the Plan who are competent to furnish adequate representation to indigent defendants. Applications for membership on divisional CJA Panels are available at www.flmd.uscourts.gov.

SECTION 1.05 CRITERIA FOR CJA PANEL MEMBERSHIP

- (a) The minimum criteria for membership on any divisional CJA Panel are that each attorney:
 - (1) Be a member in good standing of the Bar of the United States District Court for the Middle District of Florida and the Florida Bar, and, if appointed to represent an individual on appeal, the 11th Circuit Court of Appeals;
 - (2) Have at least two years' experience as an attorney licensed to practice in any state or the District of Columbia;
 - (3) Have sufficient competence to furnish high quality representation to criminal defendants in the district court;
 - (4) Be proficient in the (1) Federal Rules of Criminal Procedure; (2) Federal Rules of Evidence; (3) Bail Reform Act of 1984; (4) Federal Sentencing Guidelines; and (5) legislation, rules, or guidelines which supersede, amend, or supplement the preceding items;
 - (5) Have attended and completed at least one live or video-taped course or seminar on the Federal Sentencing Guidelines within the twelve months prior to application. If the training course or seminar is not sponsored by the Jacksonville, Orlando, Tampa, or Ft. Myers Chapters of the Federal Bar Association, the training course or seminar shall be approved by the Federal Defender of the Middle District of Florida;

- (6) Have attended and completed at least one Federal Defender approved continuing legal education seminar on federal court criminal practice within the twelve months prior to application, or have reviewed an approved video presentation concerning criminal practice in the Middle District of Florida which shall be on file in each Federal Defender Office in the District;
 - (7) Have participated as counsel of record, either as prosecutor or defense attorney, in at least one criminal jury trial in any federal court. Alternatively, this requirement may be satisfied by the applicant having participated in a federal criminal jury trial by sitting “second chair” to a member of a divisional Mentor Panel; and
 - (8) Effective July 1, 1997, have attended and completed at least one continuing legal education program annually. The program shall emphasize the Federal Sentencing Guidelines and other aspects of federal criminal trial practice and be approved by the Federal Defender of the Middle District of Florida; and
 - (9) Maintain a primary, satellite, or shared office in this District.
- (b) Waiver of minimum criteria: In considering an applicant for membership on the CJA Panel, the Court may, in its discretion, waive any of the requirements of paragraphs (2), (5), (6), (7), (8) and (9).

- (c) Equal Opportunity: All qualified attorneys are encouraged to apply for membership on the Court's divisional CJA Panels and will be considered without regard to race, color, religion, sex, age, national origin or disability.

SECTION 1.06 ROLE OF THE FEDERAL DEFENDER

- (a) The Federal Defender shall be responsible for certifying to the Court compliance by the applicant with the continuing education requirements of Section 1.05(a)(5), (6), and (8) of this Plan. To facilitate satisfaction of this responsibility, the applicant shall be required to furnish written evidence of the applicant's attendance or participation in any such training course or seminar to the Federal Defender in the form or manner specified by the Federal Defender.
- (b) The Federal Defender shall be responsible for providing educational materials, including the video presentation concerning criminal practice for the Middle District of Florida, for use by CJA Panel applicants and members and other members of the Bar. This training is important to enhance the quality of representation of indigents and to make the CJA Panel accessible to competent attorneys with limited federal criminal experience. Similarly, the Federal Defender shall serve as a central repository for materials which may be helpful to the members of the CJA Panel, such as legal memoranda on recurring issues and jury instructions.

SECTION 1.07 MENTOR PANEL

(a) Composition

A Mentor Panel shall be established in each Division of the Court consisting of attorneys with substantial experience in criminal matters in the District Court and who are willing to serve as “Mentors.” Membership on the Mentor Panel shall not preclude an attorney from serving on the CJA Panel. Appointments to the Mentor Panels shall be made by the Chief Judge, upon recommendations by the magistrate judges. The number of attorneys on the divisional Mentor Panels shall be determined by the Chief Judge, depending on the needs and workload of each Division. Mentors shall serve for a term of three years and may be reappointed to succeeding terms at the discretion of the Chief Judge. The Federal Defender and attorney assistants shall be members of the Mentor Panel in their respective Divisions.

(b) Mentors, who shall serve without compensation, shall be willing to:

- (1) Permit applicants for the CJA Panel not meeting the minimum trial experience requirement to sit “second chair” during the jury trial of a federal criminal case (subject to the consent of the Mentor's client and approval of the presiding judge) and furnish the applicant at the conclusion of the trial a letter certifying that the applicant has done so;**

- (2) Assist the Federal Defender and Federal Bar Association in planning, and/or participate in, criminal justice training programs for CJA Panel members and those who desire to become Panel members;
- (3) Advise and consult with CJA Panel members on matters of federal criminal procedure and practice, as well as on issues regarding ethical considerations; and
- (4) Provide the Court with the assistance and advice as the Court may request regarding methods and means for enhancing the quality of criminal defense representation in the District.

SECTION 1.08 CJA PANEL SELECTION, TERMS, AND REAPPOINTMENT

- (a) The applications and qualifications of attorneys who apply for membership on a divisional CJA Panel shall be reviewed by the Federal Defender's CJA Panel Administrator to ensure that the applicant possesses the qualifications in Section 1.05 of this Plan. After conducting this review, the Federal Defender shall forward the application to the designated magistrate judge in the Division to which the applicant has applied, together with a recommendation of whether the applicant should be selected for appointment to the CJA Panel. The designated magistrate judge shall review the application and, if advisable, circulate the application to the other magistrate judges in the Division. If the magistrate judges determine that an applicant fails to meet the qualifications in Section 1.05 of this Plan, the applicant shall be notified in writing and advised of the deficiencies in the applicant's qualifications. If an applicant possesses the required qualifications, the magistrate

judges shall, upon majority vote, appoint the applicant to membership on the divisional CJA Panel.

- (b) Members of the CJA Panel serve at the pleasure of the Court.
- (c) After three years of service on a CJA Panel, the Panel member may reapply and be reappointed for succeeding three-year terms. The magistrate judges in each Division shall review all applications for reappointment in their Division and, through the CJA Advisory Committee Chair, recommend to the Board of Judges whether an applicant for reappointment should be reappointed and if not, the reasons for recommending denial of reappointment.

If, in the discretion of the Board of Judges, the member meets the qualifications in Section 1.05, the member shall be reappointed. If the Board of Judges determines not to reappoint a member, the member shall be notified in writing and advised of the reasons for denial.

- (d) Pro Hac Vice Appointments: When the Court determines that the appointment of an attorney who is not a member of the CJA Panel is in the interest of justice, judicial economy or continuity of representation, or some other compelling circumstance warrants the appointment, the attorney may be admitted to the CJA Panel *pro hac vice* and appointed to represent the defendant. These appointments shall be made only in exceptional and compelling circumstances. Attorneys appointed under this provision shall not thereby attain regular membership on the CJA Panel.

SECTION 1.09 DISCIPLINE AND REMOVAL

- (a) Complaints, Disciplinary Review, Removal: The Board of Judges, in its discretion, may remove a CJA Panel member for conduct incompatible with the goals of the Criminal Justice Act, the requirements in Section 1.05 of this Plan, or the standards imposed by Local Rule 2.01. A complaint regarding a CJA Panel member shall be forwarded to the Chief Judge, who may refer the matter to the appropriate committee. That committee may make such inquiry as it deems warranted and issue a report and recommendation of action to the Board of Judges. When a complaint is forwarded by the Chief Judge to a committee, a copy of the complaint shall be provided by certified mail to the CJA Panel member. The CJA Panel member who is the subject of the complaint may submit a response to the Chair of that committee within fourteen days from the certified mailing date of the complaint.
- (b) Committee Action:
 - (1) Protective action: Prior to disposition of a complaint, the committee may recommend temporary suspension or removal of the CJA Panel member from any pending case or from the CJA Panel, and may recommend any other protective action that is in the best interest of the client or the administration of this Plan.
 - (2) Review and recommendation: After investigation, the committee may recommend dismissing the complaint, or recommend appropriate remedial action, including but not limited to removing the attorney from the CJA Panel, limiting the attorney's participation to particular types or categories

of cases, directing the attorney to complete specific CLE requirements before receiving further Panel appointments or limiting the attorney's participation to handling cases that are directly supervised or overseen by another Panel member or other experienced practitioner. The Committee shall forward its recommendation to the Chief Judge.

- (c) Confidentiality: Unless otherwise directed by the Court, any information acquired concerning any possible disciplinary action, including the complaint and any related proceeding, shall remain confidential.
- (d) None of these procedures create a property interest in being on or remaining on the CJA Panel.

SECTION 1.10 CJA ADVISORY COMMITTEE

The Chief Judge, with input from the resident administrative district judge of each Division of the Court, shall appoint a CJA Advisory Committee ("Committee") comprised of magistrate judges, the Federal Defender, and CJA Panel members from each Division. All Committee members, with the exception of the Federal Defender, a permanent member of the Committee, shall serve for such staggered terms as the Chief Judge determines to ensure continuity on the Committee.

The Committee shall periodically review this Plan and recommend to the Chief Judge any modifications to the Plan or the composition of the CJA Panel the Committee deems appropriate for carrying out the objects of the Plan. On an annual basis, the Committee shall report to the Chief Judge, who shall inform the Board of Judges, on efforts to provide equal opportunity for

CJA Panel membership, and the results of diversity initiatives for Panel members based on race, color, religion, sex, age, national origin and disability.

At least once annually, the Committee shall meet and review the operation and administration of each divisional CJA Panel and make recommended changes regarding the appointment process and Panel management.

CHAPTER TWO

APPOINTMENT AND PAYMENT OF COUNSEL

SECTION 2.01 SELECTION AND MAINTENANCE OF THE DIVISIONAL CJA PANELS

In accordance with Local Rule 6.01(c)(4), responsibility for administration of the divisional CJA Panels is delegated to the magistrate judges. The magistrate judges shall ensure the CJA Panel is large enough to provide a sufficient number of qualified attorneys to handle the CJA caseload, yet small enough so Panel members receive an adequate number of appointments to maintain their proficiency in criminal defense work and provide high quality representation consistent with the best practices of the legal profession and commensurate with those services rendered when counsel is privately retained. The magistrate judges shall maintain a list of CJA appointments and a list of instances when a CJA Panel member declines appointment, and the reasons for declining the appointment.

The Clerk shall maintain a current list of attorneys on the divisional CJA Panels, a record of assignments of private counsel, and statistical data on the proration of appointments between private counsel and the Federal Defender, according to the formula in Section 1.04 of this Plan.

SECTION 2.02 APPOINTMENT OF COUNSEL IN A CRIMINAL CASE

- (a) Advice of Right to Counsel: In every criminal case in which a person entitled to representation under Chapter One of this Plan appears without counsel, the Court shall advise that person of the right to be represented by counsel and that counsel will be appointed if requested if the person is financially unable to obtain counsel.
- (b) Fact Finding and Financial Inquiry: Unless representation is waived, the Court shall conduct a factual inquiry into the person's financial status. If, after that inquiry, the Court determines that the person is financially unable to obtain counsel, counsel shall be appointed.
- (c) Appointment: The presiding magistrate judge in each Division shall appoint counsel on a rotational basis from the list of Panel members, except that the magistrate judge may, in the judge's discretion, appoint any Panel member in a case which requires a special skill set for which the Panel member is uniquely qualified, whether by experience, complexity of the case, foreign language proficiency, geographic considerations, or other objective criteria.
- (d) Retroactive Appointment: Appointment of counsel may be made retroactive to include any representation furnished pursuant to the Plan prior to appointment.
- (e) Continuity and Duration of Appointment: A person for whom counsel is appointed shall be represented by such appointed counsel at every stage of the proceedings from initial appearance through direct appeal, including ancillary matters

appropriate to the proceedings, until an order is entered allowing or requiring the person represent to proceed *pro se* or the appointment is terminated by court order.

- (f) Substitution of Appointed Counsel by the Court: The Court may, in the interests of justice, substitute one appointed counsel for another at any stage of the proceedings.
- (g) Prohibition for Accepting Payment by Appointed Counsel: Unless permitted in advance by court order, counsel appointed under this Plan may not require, request, or accept any payment or promise of payment for representing a party.
- (h) Responsibility of Appointed Counsel upon Conviction: Before the entry of a plea of guilty or upon conviction following trial, appointed counsel shall advise the defendant of the right of appeal, if any, and of the right to counsel on appeal. If requested by defendant, appointed counsel shall file a timely notice of appeal and shall continue representation of the defendant throughout the appellate process.
- (i) Number of Counsel: More than one attorney may be appointed in any case determined by the Court to be complex.
- (j) The appointment and compensation of counsel in capital cases and the authorization and payment of persons providing investigative, expert, and other services are governed by 18 U.S.C. §§ 3005, 3006A, and 3599, and Guide, Vol. 7A, Ch. 6.

**SECTION 2.03 PARTIAL PAYMENT AND/OR REIMBURSEMENT FOR THE
COST OF APPOINTED COUNSEL**

If at any time the Court finds that a person is financially able to obtain counsel or to make full or partial payment for representation, or that funds are available for payment from or on behalf of a person furnished representation, the Court may terminate the appointment of counsel and direct or authorize payment as provided in 18 U.S.C. § 3006A(f).

If appointed counsel obtains information that a client is financially able to make payment, in whole or in part, for legal or other services in connection with the representation, and the source of the attorney's information is not protected as a privileged communication, counsel shall promptly advise the Court.

SECTION 2.04 APPOINTMENT OF PREVIOUSLY RETAINED COUNSEL

Pursuant to Local Rule 2.03(c), after appearing in a criminal proceeding, retained counsel will not ordinarily be permitted to withdraw for non-payment of attorney's fees. When retained counsel is permitted to withdraw after trial or, under exceptional circumstances, at another stage of the proceeding, and the Court finds that the defendant is qualified for the appointment of counsel under this Plan, counsel may be appointed. Previously retained counsel shall not be appointed as a matter of course.

CHAPTER THREE

REQUEST FOR SERVICES OTHER THAN COUNSEL

SECTION 3.01 OBTAINING SERVICES OTHER THAN COUNSEL UPON REQUEST

- (a) Eligibility: Counsel (whether appointed under this Plan or privately retained) or persons who are otherwise eligible for representation under this Plan, but who have elected to proceed *pro se*, may request services in an *ex parte* application in accordance with 18 U.S.C. § 3006A(e)(1).
- (b) Ex Parte Application Procedure: Except as permitted by section 3.02 of this Plan, *ex parte* applications for expert, investigative, or other services necessary for an adequate defense shall be submitted to the Court prior to the performance of the services. The Court will consider the *ex parte* application and, upon finding that the services are necessary for an adequate defense and that the person is financially unable to obtain the services, may authorize the services.

SECTION 3.02 OBTAINING SERVICES OTHER THAN COUNSEL WITHOUT OBTAINING COURT APPROVAL

- (a) Eligibility: Subject to the limitations of 18 U.S.C. § 3006A(e)(2), counsel appointed under this Plan may obtain, subject to later review, investigative, expert, or other services without prior authorization if necessary for adequate representation.

- (b) Procedure for Ratification of Expenses: Counsel may request ratification of expenses for services provided in accordance with this section by submitting an *ex parte* application to the Court, if the services rendered were in conjunction with a matter over which the Court has jurisdiction.

The Court, upon finding that the services were necessary for an adequate defense and the person is financially unable to obtain the services, may authorize payment for the services, subject to the limitations of 18 U.S.C. § 3006A(e).

SECTION 3.03 COMPENSATION LIMITATIONS AS TO THE FEDERAL DEFENDER

The Federal Defender may obtain investigative, expert, or other services without regard to the requirements and limitations of 18 U.S.C. § 3006A(e), provided that total expenditures for investigative, expert, and other services do not exceed the Federal Defender's budget authorization for these categories. In the event that the expenditures exceed budget authorization, applications shall be made on an *ex parte* application basis in accordance Section 3.01 of this Plan.

CHAPTER FOUR

COMPENSATION TO CJA PANEL MEMBERS

SECTION 4.01 POLICY OF THE COURT REGARDING COMPENSATION

Providing fair compensation to appointed counsel is a critical component of the administration of justice. CJA Panel members shall be compensated for time expended in court and time reasonably expended out of court, and reimbursed for expenses reasonably incurred.

SECTION 4.02 PAYMENT PROCEDURES

- (a) Mandatory Use of CJA Forms: Applications for compensation shall be submitted on the appropriate CJA Forms through the CJA Voucher Processing System (“CJA eVoucher”). A link to the CJA eVoucher system may be found at www.flmd.uscourts.gov.
- (b) Claims for compensation shall be submitted no later than 45 days after final disposition of the case, unless good cause is shown.
- (c) The Clerk or the Clerk’s designee will review the claim for mathematical and technical accuracy and for conformity with the Guide, Vol. 7A and, if correct, will forward the claim for consideration by the presiding judge.
- (d) Absent extraordinary circumstances, the Court should act on CJA compensation claims within 30 days of submission, and vouchers should not be delayed or reduced for the purpose of diminishing Federal Defender program costs in response to adverse financial circumstances.
- (e) Except in cases involving mathematical corrections, no claim for compensation submitted for services provided under the CJA will be reduced without affording counsel notice and the opportunity to be heard.
- (f) The Court, when contemplating reduction of a CJA voucher for other than mathematical reasons, may refer the voucher to the CJA Committee for review and recommendation before final action on the claim is taken.
- (g) Notwithstanding, the Court may, in the first instance, contact appointed counsel to inquire regarding questions or concerns with a claim for compensation. In the event

the matter is resolved to the satisfaction of the Court and CJA Panel member, the claim for compensation need not be referred to the CJA Committee for review and recommendation.

SECTION 4.03 SCHEDULE OF MAXIMUM FEES AND EXPENSES FOR COUNSEL

The fees and expenses payable to counsel appointed under this Plan shall be made in amounts and manner prescribed by the Criminal Justice Act, as amended, and in accordance with the rules, regulations, and guidelines prescribed by the Judicial Conference of the United States.

CHAPTER FIVE

STANDARDS AND DUTIES OF APPOINTED COUNSEL

SECTION 5.01 STANDARDS

The Federal Defender shall provide high quality representation consistent with the best practices of the legal profession and commensurate with those services rendered when counsel is privately retained. *See Polk County v. Dodson*, 454 U.S. 312, 318 (1981) (“Once a lawyer has undertaken the representation of an accused, the duties and obligations are the same whether the lawyer is privately retained, appointed, or serving in a legal aid or defender program.” (quoting ABA Standards for Criminal Justice section 4-3.9 (2d ed. 1980))).

SECTION 5.02 WORKLOAD

The Federal Defender shall continually monitor the workloads of its staff to ensure high quality representation for all clients.

SECTION 5.03 PROFESSIONAL CONDUCT

The Federal Defender and attorney assistants shall conform to the highest standards of professional conduct. *See* Local Rule 2.04 (d).

SECTION 5.04 PRIVATE PRACTICE OF LAW

Neither the Federal Defender nor any Federal Defender employee may engage in the private practice of law except as authorized by the Code of Conduct.

SECTION 5.05 DUTIES OF CJA PANEL MEMBERS

(a) Standards and Professional Conduct

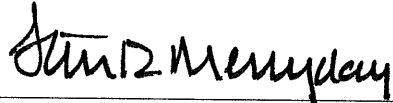
- (1) CJA Panel members shall provide high quality representation consistent with the best practices of the legal profession and commensurate with those services rendered when counsel is privately retained. *See Polk County v. Dodson*, 454 U.S. 312, 318 (1981) (“Once a lawyer has undertaken the representation of an accused, the duties and obligations are the same whether the lawyer is privately retained, appointed, or serving in a legal aid or defender program.” (quoting ABA Standards for Criminal Justice section 4-3.9 (2d ed. 1980))).

- (2) CJA Panel members shall conform to the highest standards of professional conduct. *See* Local Rule 2.04 (d).
 - (3) CJA Panel members shall notify the Chair of the CJA Advisory Committee in writing within 30 days of when any licensing authority, grievance committee, or administrative body has taken action against them, or when a finding of contempt, sanction, or reprimand has been issued against the Panel member by any state or federal court.
- (b) Training and Continuing Legal Education
 - (1) CJA Panel members are expected to remain current with developments in federal criminal defense law, practice, and procedure, including the Recommendation for Electronically Stored Information (ESI) Discovery Production in Federal Criminal Cases.
 - (2) CJA Panel members are expected to attend trainings sponsored by the Federal Defender.
 - (3) CJA Panel members shall be guided in their practice by the Federal Adaptation of the National Legal Aid and Defender Association Performance Guidelines for Criminal Defense Representations.
 - (4) Failure to comply with these training and legal education requirements may be grounds for removal from the CJA Panel.

(c) Facilities and Technology Requirements

- (1) CJA Panel members shall have facilities, resources, and technological capability to effectively and efficiently manage assigned cases.
- (2) CJA Panel members shall comply with the requirements of electronic filing and CJA eVoucher.
- (3) CJA Panel members shall be knowledgeable of and comply with procedures related to requests for investigative, expert, and other services under this Plan.

ORDERED in Tampa, Florida this 11th day of July, 2018.



STEVEN D. MERRYDAY
Chief United States District Judge